REMARKS

Claims 1-13 and 30 are pending. Claims 1-6; and 10-11 have been amended.

Rejection Over EP 596,580 under 35 USC §103

The Office Action rejects the claims over EP 596,580 under 35 USC § 103. The Office Action maintains its rejection over EP 596,580 by stating Applicant's earlier response and amendment are not persuasive because the reference discloses that all cationic starches are suitable. The Office Action concludes that accordingly, all molecular weights of cationic starch are useful.

In response, Applicant submits claim amendments and a 132 declaration by inventor Yonas Gizaw to overcome the rejection. As an initial matter, Applicant respectfully points out that the invention of '580 is based on the use of cationic starch products as a thickener in liquid fabric softening compositions. *See* page 2, line 39 *et seq.* In contrast, the present invention is directed, in part; to the use of cationic starch to address the need for a composition that provides improved fabric feel and/or softening, while also limiting viscosity. *See* page 1, lines 28-29 (emphasis added). Applicant respectfully submits that the use of the starches disclosed in EP 596,580 may yield viscosities that are undesirable to fabric softening compositions. This increase in viscosity, particularly in the composition containing higher amounts of starch (e.g., greater than 1%), may be attributable to the higher molecular weight of starch.

According to the Office Action, "it is clear from the specification that an upper limit of 1,000,000 for the MW was contemplated by those inventors." Applicant requests clarification to where in the specification the Examiner finds basis for this assertion. In any event, Applicant submits a declaration from inventor Yonas Gizaw. According to Dr. Gizaw, the starches disclosed in the '580 references either fail to be "cationic starches" (i.e., the cationic starch is chemically modified to provide the starch with a net positive charge) or have a molecular weight well above Applicant's claim upper limit of about 10,000,000 Daltons. To this end, according to Dr. Gizaw, the Amylofax starches have weight average molecular weights as follows: Amylofax 00 is at least about 50,000,000

Daltons; Amylofax PW is at least about 75,000,000 Daltons; and Amylofax HS is at least about 140,000,000. *See* Gizaw Declaration, ¶6. Viscosity profiles of these Amylofax starches demonstrated very high viscosity as compared to a preferred starch of the present invention. *See* Gizaw Declaration, ¶7. Furthermore, the fabric softening compositions comprising 14% of a quaternary ammonium compound and 2% starch indicated that the Amylofax starches yielded compositions with viscosities beyond what is commercially acceptable (i.e., greater than about 2000 centipoise). *See* Gizaw Declaration, ¶8. The high viscosities of '580 are consistent with solution proposed in the specification of '580 of achieving increased viscosity and thus teach away from the starches of the present invention that minimize the effect of viscosity presumably attributable to high molecular weight starches (*i.e.*, above a weight average molecular weight of about 10,000,000 Daltons).

In view of the amendments and declaration, Applicant submits that the claimed invention is non-obvious over EP 596,580. Reconsideration of the application and allowance of claims is respectfully requested.

Respectfully submitted.

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